

REMARKS

In the Claims

Applicants, voluntarily and without prejudice, cancel claims 1-9 and 20-29, which are drawn to a nonelected invention. Applicants reserve all rights to prosecute these claims in the future.

Applicants amend claim 10 to include the double band press feature from claim 12. Applicants also amend claim 10 to remove the feature of “collected from used PET products.” This feature is now presented in new claim 31. Applicants also amended claim 18 to depend upon claim 14.

New independent claim 32 corresponds to claim 10, amended to include the calendaring device feature from claim 12. New dependent claims 33-37 correspond to claims 11, 13, 14, 30, and 31, rewritten to depend upon new claim 32.

The amendments to the claims are supported, for example, by the previously pending claims and do not introduce any new matter.

Claim Rejections – 35 USC § 102

Nishibori – Claims 10, 11, and 30

Claims 10, 11, and 30 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Nishibori (Patent Application No. EP 0667375). Applicants respectfully traverse this basis for rejection.

Nishibori does not anticipate amended claim 10 because Nishibori does not disclose “postprocessing the structural part by a double band press downstream of the thermoplastic conversion” (i.e., a feature of claim 12, which is now incorporated into claim 10). Applicant notes that the Examiner appears to agree that Nishibori does not disclose this feature because the Examiner did not allege that Nishibori anticipates claim 12 and because the Examiner did not allege that Nishibori includes “postprocessing the structural part by a double band press downstream of the thermoplastic conversion” in the discussion of claim 12.¹

¹ Pages 5 and 6 of the Office Action mailed 05/05/2010

Accordingly, Applicants respectfully submit that amended claim 10, and claims 11 and 30 that depend therefrom, are not anticipated by Nishibori. Applicants respectfully request that the rejection of claims 10, 11, and 30 as allegedly being anticipated by Nishibori be reconsidered and withdrawn.

Medoff – Claims 10, 14, and 15

Claims 10, 14, and 15 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Medoff (US Patent No. 6,207,729). Applicants respectfully traverse this basis for rejection.

Medoff does not anticipate amended claim 10 because Medoff does not disclose “postprocessing the structural part by a double band press downstream of the thermoplastic conversion” (i.e., a feature of claim 12, which is now incorporated into claim 10). Applicant notes that the Examiner appears to agree that Medoff does not disclose this feature because the Examiner did not allege that Medoff anticipates claim 12 and because the Examiner did not cite Medoff in any combination or modification that would allegedly make claim 12 unpatentable.

Accordingly, Applicants respectfully submit that amended claim 10, and claims 14 and 15 that depend therefrom, are not anticipated by Medoff. Applicants respectfully request that the rejection of claims 10, 14, and 15 as allegedly being anticipated by Medoff be reconsidered and withdrawn.

Matsumoto – Claims 10, 11, 13, 14, 17-19, and 30

Claims 10, 11, 13, 14, 17-19, and 30 stand rejected under 35 USC § 102(b) as allegedly being unpatentable over Matsumoto (Patent Application Publication No. US 2002/0192401). Applicants respectfully traverse this basis for rejection.

Matsumoto does not anticipate amended claim 10 because Matsumoto does not disclose “postprocessing the structural part by a double band press downstream of the thermoplastic conversion” (i.e., a feature of claim 12, which is now incorporated into claim 10). Applicant notes that the Examiner appears to agree that Matsumoto does not disclose this feature because the Examiner stated that “Matsumoto . . . does not teach the use of a calendaring device or double band press downstream of the thermoplastic conversion.”²

² Paragraph 8, bridging pages 5 and 6 of the Office Action mailed 05/05/2010

Accordingly, Applicants respectfully submit that amended claim 10, and claims 11, 13, 14, 17-19, and 30 that depend therefrom, are not anticipated by Matsumoto. Applicants respectfully request that the rejection of claims 10, 11, 13, 14, 17-19, and 30 as allegedly being anticipated by Matsumoto be reconsidered and withdrawn.

Claim Rejections – 35 USC § 103

Matsumoto and Nishibori – Claim 12

Claim 12 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Matsumoto as applied to claim 11 and further in view of Nishibori.

Applicants respectfully submit that this rejection is now moot in view of the cancellation of claim 12. Accordingly, Applicants respectfully request that the rejection of claim 12 be reconsidered and withdrawn.

Medoff and Shah – Claim 16

Claim 16 stands rejected under 35 USC § 103(a) as allegedly being anticipated by Medoff as applied to claim 14 and further in view of Shah (US Patent No. 6,028,212). Applicants respectfully traverse this basis for rejection.

As discussed above, Medoff does not disclose every element of amended base claim 10, nor does the Examiner allege as much. For example, Medoff does not disclose “postprocessing the structural part by a double band press downstream of the thermoplastic conversion.” Furthermore, Shah does not cure the deficiencies of Medoff to disclose, teach, or suggest every elements of amended base claim 10. Rather, the Examiner cited Shah merely as “teach[ing] that it is known to apply powder coatings to wood composites.”

Accordingly, Applicants respectfully submit that claim 16 is patentable over Medoff and Shah because it depends upon allowable base claim 10, and respectfully requests that the rejection of claim 16 be reconsidered and withdrawn.

New Claims 32-37

Applicants respectfully submit that new independent claim 32 is patentable over Medoff, Matsumoto, and Shah at least because none of these references, taken alone or in combination, disclose, teach, or suggest “postprocessing the structural part by a calendaring device

downstream of the thermoplastic conversion" (i.e., a feature of claim 12, which was not alleged by the Examiner to be disclosed, taught, or suggested by any of these references in the Office Action mailed 05/05/2010).

Applicants also respectfully submit that new independent claim 32 is patentable over Nishibori at least because this reference, taken alone or in combination with any of the other cited references does not, disclose, teach, or suggest "postprocessing the structural part by a calendaring device downstream of the thermoplastic conversion."

The Examiner alleged that "Nishibori teaches that is known in the prior art to calendar synthetic wood boards after extrusion (see page 3, lines 18-27) [and that it] would have been obvious to one of ordinary skill in the art at the time of the invention to have applied a calendaring device to the synthetic wood board taught by Nishibori for the benefit of rolling the board to a predetermined thickness (see page 3, line 26)."

Applicants respectfully disagree. In the passages cited by the Examiner, Nishibori (see page 3, lines 18-27) discusses "typical methods," which are then described as having undesirable results. A person of ordinary skill in the art would have understood, from reading Nishibori in its entirety, that calendaring will increase the costs of equipment (see page 4, lines 40-42) and cause stresses in the molded articles, which should be avoided (see page 5, lines 1-4; page 15, lines 45-55; and page 26, line 55). Accordingly, the person of ordinary skill in the art would not have understood Nishibori as disclosing, teaching, or suggesting the claimed postprocessing the structural part by a calendaring device downstream of the thermoplastic conversion because Nishibori's teaches away from the claimed method as a result of the allegedly undesirable features of calendaring. Similarly, it would not have been obvious to one of ordinary skill in the art to apply the calendaring disclosed by Nishibori (i.e., as an undesirable aspect of another's method) because there would not have been any reasonable expectation of success of arriving at the claimed invention in view of the undesirable features that Nishibori ascribes to calendaring.

Furthermore, Applicants respectfully submit that new claims 33-37 are patentable over the cited art at least because they depend upon allowable claim 32.

CONCLUSION

Applicants respectfully submit that all of the pending claims are in condition for allowance and requests early favorable action. If the Examiner believes a telephonic interview would expedite the prosecution of the present application, the Examiner is welcome to contact Applicants' Attorney at the number below.

Respectfully submitted,

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